

**4276 S. HWY. 441 OKEECHOBEE, FL  
WEDNESDAY, FEBRUARY 9, 2000  
9:00 A.M.**

Michael Collins  
Vera Carter  
Michael Minton  
Mitchell Berger  
Nicolas Gutierrez  
Gerardo Fernandez  
Trudi Williams  
Patrick Gleason  
Harkley Thornton

**1. Board questions for staff about any items on Thursday's Regular Meeting Agenda or Regulatory Consent Agenda.**

Mr. Thornton questioned items 23, 37, 41, 42, 53, and 55.

<p><b>5. Briefing on and Discussion of Water Supply Policy Issues: Reservations, Minimum Flows and Levels, Level of Certainty,</b></p>	<p><b>Water</b></p>
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Kenneth G. Ammon, P.E., Director, Water Supply Department, Water Resources Management, presented information on the Consumptive Use Permit Duration and Permit Renewal Process. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Scott Burns, Director, Water Use Regulation Div., Water Supply Dept., Water Resources Management, presented information on the concept of Level of Certainty and the water supply planning process. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. David Swift, Lead Environmental Scientist, Water Supply Planning and Development Division, presented information on Everglades issues, and the effort to develop minimum flows and levels that will protect the Everglades ecosystem. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Charles Lee, Florida and National Audubon Society, expressed concern about consumptive use permits and the proposed sale of water rights in Florida.

Mr. Roy Reynolds, Broward County Water Management Division, expressed concern about the development of the Lower East Coast Regional Water Supply Plan. He said the tools to implement the plan will not be available at the time the plan is scheduled for adoption.

Mr. Fred Rapach, Palm Beach County Water Utilities, urged the Board to let the planning process proceed.

Mr. Wayne Nelson, Fishermen Against Destruction of the Environment, expressed concern about the process of maintaining Minimum Flows and Levels for Lake Okeechobee.

Ms. Kate English, an Attorney representing Mr. Jeff Clemons and Mr. Todd Clemons, commented on concerns her clients have about the District's permitting process and criteria.

*Board Members agreed to consider item 2 at this time.*

Chairman Collins announced that the closed door Attorney Client Session has been deleted.

**2. Approve the "Termination for Convenience" of the Land Acquisition Grant Agreement between the District and the U.S. Department of the Interior National Park Service.**

Mr. James H. Strotman, Department Director, Real Estate, Engineering and Construction, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting. Mr. Strotman said staff recommends approval.

**Motion by Ms. Carter to approve the "Termination for Convenience" of the Land Acquisition Grant Agreement between the District and the U.S. Department of the Interior National Park Service executed February 9, 1995 covering the Frog Pond, Rocky Glades, and 8.5 Square Mile Areas, Project No. 5297-7001726 and authorize the Executive Director, or his designee to execute the Notice of Termination for Convenience. Motion approved.**

**3. Authorize an amendment to a contract with Florida Atlantic University's Center for Environmental Studies (CES)**

Ms. Susan Gray, Ph.D., Deputy Department Director, Watershed Research & Planning, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting. Ms. Gray said staff recommends approval.

Board Members expressed concern about this project. Chairman Collins suggested that this item be deferred to allow Board Members to be briefed fully on this project. Board Members agreed.

## **Report from the Utilities Advisory Committee**

Ms. Williams asked that the Board consider the Report from the Utilities Advisory Committee at this time. Board Members agreed.

Mr. Fred Rapach, Utilities Advisory Committee, presented the report. A copy of the material used in his presentation is included in the official record of this meeting.

Board Members returned to consideration of item 3.

### **3. Authorize an amendment to a contract with Florida Atlantic University's Center for Environmental Studies (CES)**

Ms. Gray presented additional information on specific efforts that will be completed under this contract.

**Motion by Mr. Minton to authorize an amendment to a contract with Florida Atlantic University's Center for Environmental Studies (CES) for collaborative research to extend the contract by 6 months and include FY00 projects in the amount of \$1,953,141 for which funds are budgeted; and authorize eight budget transfers totaling \$398,500 (Contract Number C-7641-A07) Motion approved.**

### **4. B-50 Replacement Project - Schematic Design Summary.**

This item was deleted.

### **6. TMDL Update**

#### **Current Status (EPA's proposed TMDL)**

Mr. Philip Mancuso-Ungaro, Associate Regional Counsel, U.S. Environmental Protection Agency, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

## **SFWMD Perspective**

Dr. Alan Steinman, SFWMD, Director, Lake Okeechobee Division, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Charles Lee, Florida and National Audubon Society, suggested that he board not take a firm position on this issue today. He said more time is needed for review.

Mr. William Malone, Deputy Executive Director, Water Resource Development, said staff has not taken an inflexible position on this issue.

### **7. Sludge Applications in Okeechobee Watershed, D.E.P.**

Ms. Melissa Meeker, Director, D.E.P. Southeast District, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Mr. Fred Rapach, Palm Beach County Utilities, urged the Board to consider the adverse impacts of this process, and it's effect on water utility operations.

Mr. Bill Townshend, Resource Reclamation, expressed concern about the amount of phosphorus in the sludge application.

Ms. Brenda Burnsed, representing the residents of Fort Drum, expressed concern about the lack of enforcement and health impacts in neighborhoods surrounding sludge sites.

Ms. Meeker said staffing for enforcement is a concern. She said her staff will review the issue raised by Ms. Burnsed.

Mr. John Rice expressed concern about the enforcement and application problems associated with agricultural use of sludge products.

#### **8. Fisheries Report, Fish and Wildlife Conservation Commission**

Mr. Don Fox, Biological Administrator II, Fish and Wildlife Conservation Commission, presented information on this item. A copy of the material used in his report is included in the official record of this meeting.

#### **9. Lake Okeechobee Draft Legislation Update**

### **Current Content of Bill**

### **Projected Timelines**

Mr. Ray Scott, Sr. Legislative Analyst, House Committee on Environmental Protection, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

#### **10. Presentation by Agriculture Concerns**

Mr. David Hazellief, Okeechobee County Commission, representing the Agricultural community, commented on concerns about Lake Okeechobee lake levels and other agriculture concerns.

Ms. MaryAnn Gosa, representing Florida Farm Bureau, stressed the importance of the TMDL implementation plan.

Mr. Sutton Rucks, a local farmer, commented on concerns from area dairy farmers and the financial impact of the Best Management Practices program.

Mr. Roger Butler commented on phosphorus loadings going into Lake Okeechobee. He urged the Board to determine the sources of the phosphorus going into the lake.

Mr. Hoot Worley, representing the Economic Council of Okeechobee, commented on the importance of agriculture to the local economy. He expressed concern about the condition of the lake.

Mr. Tom MacVicar, representing area agriculture interests, commented on the success of the BMP program.

Mr. Chuck Aller, Florida Department of Agriculture and Consumer Services, said the efforts of farmers to reduce phosphorus loads going into the lake through BMP's has been successful.

#### **11. Presentation by Environmental Concerns**

Dr. Paul Gray, National Audubon Society, expressed concern about the biological condition of Lake Okeechobee.

Mr. Richard Grosso, the Environmental Law Center, said Lake Okeechobee is the heart of the Everglades and is critical to the health of the South Florida ecosystem. He said his organization and the Everglades Coalition support funding for restoration of the Everglades and Lake Okeechobee.

Mr. Wayne Nelson, Fishermen Against Destruction of the Environment, expressed concern about the delay by the U.S. Army Corps of Engineers (USACE) in implementing Run WSE, which would allow lower lake levels for Lake Okeechobee.

Mr. Tony Akin, Beeline Bass Club, expressed concern about the condition of Lake Okeechobee, and the delay in implementing Run WSE. He said the health of the lake has deteriorated due to high water levels.

Mr. Jim Joyce, a Jupiter resident, expressed concern about the health of Lake Okeechobee.

Mr. Harvey Ford, an Okeechobee business owner, said the economy of Okeechobee depends on the health of Lake Okeechobee. He said the quality of the fishing in the lake has declined.

Mr. Ben Bolan, an Okeechobee resident, noted the difference recently in the water quality of Lake Okeechobee. He expressed concern over the health of the lake.

Mr. Tommy Strowd, Director of Operations, presented information on the status of Run WSE. He said staff has discussed the issue with the USACE. Mr. Strowd said WSE is scheduled for implementation on March 31, 2000.

#### **ADJOURNMENT**

There being no further discussion or business to come before the Board, the meeting was adjourned at 4:00 p.m.

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MICHAEL COLLINS, CHAIRMAN

(Corporate Seal)

Attest:

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FRANK FINCH, SECRETARY

/aab

**MINUTES OF A MEETING OF THE GOVERNING BOARD  
OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
HELD AT OFFICES OF THE DISTRICT,  
3301 GUN CLUB ROAD, WEST PALM BEACH FLORIDA  
THURSDAY, FEBRUARY 10, 2000  
8:30 A.M.**

The following **Board Members** were present

Michael Collins, Chairman  
Michael Minton  
Vera Carter  
Nicolas Gutierrez  
Patrick Gleason  
Trudi Williams  
Harkley Thornton  
Gerardo Fernandez

Frank R. Finch, Executive Director

**CALL TO ORDER**

*Chairman Collins called the meeting to order at 8:30 a.m., followed by the inspiration and the pledge of allegiance to the Flag of the United States of America*

**Presentations:**

Mr. Fernandez, Chairman, Human Resources Committee, recognized the December/January teams of the month:

**December Team of the Month:**

**Loxahatchee Mitigation Bank Project Team**

Representing Water Resources Management:

Marjorie Moore, Lead Environmental Scientist

**Mark Hummel, Staff Registered Land Supervisor**

Marcy Wilson, Title Examiner Supervisor

Stanley Pry, Senior Title Examiner

Barry Present, Senior Professional - Acquisition

Douglas T. Shaw, Lead Engineer

Representing Office of Counsel:

Abe Cooper, Senior Specialist Attorney

Holly Young, Associate Attorney

Representing Corporate Resources:

Mary Meier, Contracts Manager

**January Team of the Month:**

**Hurricane Irene After-Action Assessment Report Team**

Christian Flierl, Senior Auditor, Office of Inspector General

Jo Ann Hyres, Acting Director, Information and Multimedia Services

## **APPROVAL OF MINUTES**

Mr. Gutierrez amended the minutes to show he was present at the December 17, 1999 Governing Board special meeting via teleconference.

**Motion by Ms. Carter to approve the minutes of the December 17, 1999 Special Meeting, the January 12, 2000 Workshop Meeting, the January 13, 2000 Regular Meeting and the January 14, 2000 and January 15, 2000 Executive Director Retreat as amended. Motion approved.**

## **Additions, deletions, or changes to the Agenda**

There were no changes to the revised agenda. A copy of the revised agenda is included in the official record of this meeting.

## **Abstentions**

Ms. Williams abstained on all items pertaining to the Lee County Board of County Commissioners.

Mr. Minton abstained on items 7, 30, and 32.

Mr. Berger abstained on items 29, and 30.

## **Schedule of Upcoming Meetings**

Mr. Finch presented the schedule. A copy is included in the official record of this meeting.

Mr. Finch noted the joint meeting with the Broward County Commission on February 15, and the Staff/Board Budget Retreat on February 16. He said a workshop on funding strategies for the Comprehensive Everglades Restoration Plan is scheduled for February 23.

Mr. Finch also noted a March 7, 2000 special meeting, the same day as a meeting of the Governor's Commission on the Everglades.

Chairman Collins expressed concern about scheduling board meetings for March 7, 8, and 9. He said this forces a heavy workload on Board Members and suggested that the March 7 workshop be scheduled for the week after the March Regular meeting.

Board Members agreed to set a tentative meeting date of March 20, 2000.

## **Public Hearing**

Chairman Collins opened the public hearing.

## **Real Estate, Engineering and Construction**

### **3. Approve the purchase of land interests containing 3.40 acres, more or less, in Miami-Dade County, 8.5 Square Mile Project (Phase I).**

Mr. James Strotman, Director, Real Estate, Engineering and Construction Department, presented information on this item. a copy o f the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Berger to approve the purchase of land interests containing 3.40 acres, more or less, in Miami-Dade County, 8.5 Square Mile Project (Phase I), approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for these acquisitions and associated costs. Motion approved. Nay – Mr. Gutierrez.**

4. **Approve the purchase of land interests containing 36.30 acres, more or less, in Miami-Dade County, Model Lands and Southern Glades Projects**

Mr. Strotman presented information on this item. A copy of the material use din his presentation is included in the official record of this meeting.

**Motion by Mr. Berger to approve the purchase of land interests containing 36.30 acres, more or less, in Miami-Dade County, Model Lands and Southern Glades Projects, and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for these acquisitions and associated costs. Motion approved.**

5. **Approve the purchase of land interests containing 5.63 acres, more or less, in Miami-Dade County, L-31N Transition Lands Project.**

Mr. Strotman presented information on this item. A copy of the material use din his presentation is included in the official record of this meeting.

**Motion by Ms. Williams to approve the purchase of land interests containing 5.63 acres, more or less, in Miami-Dade County, L-31N Transition Lands Project, and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for these acquisitions and associated costs. Motion approved.**

6. **Approve the purchase of land interests containing 63.52 acres, more or less, in Miami-Dade County, East Coast Buffer Project, approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition.**

Mr. Blair LittleJohn, Director Real Estate, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Fernandez to approve the purchase of land interests containing 63.52 acres, more or less, in Miami-Dade County, East Coast Buffer Project, approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition and authorize a Resolution to the Trustees of the Internal Improvement Trust Fund and/or Department of Environmental Protection requesting reimbursement for this acquisition and associated costs.**

Ms. Erin Deady, National Audubon Society, said her organization supports this project.

**Motion approved.**

7. **Approve the purchase of land interests containing 560.00 acres, more or less, in Miami-Dade County, Water Conservation Area.**

Mr. Blair LittleJohn, Director Real Estate, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Fernandez to approve the purchase of land interests containing 560.00 acres, more or less, in Miami-Dade County, Water Conservation Area Project and authorize a Resolution to the Trustees of the Internal Improvement Trust Fund and/or Department of Environmental Protection requesting reimbursement for this acquisition and associated costs. Motion approved.**

- ~~8. **Approve the purchase of land interests containing 35.595 acres, more or less, in St. Lucie County, Indian River Lagoon Blueway Queens Island Project Phase I, in partnership with St. Lucie County, and authorize a Resolution to the Department of Environmental Protection requesting reimbursement for this acquisition and associated costs.**~~

This item was deleted.

9. **Approve the purchase of land interests containing 20 acres, more or less, in Lee County, CREW Project.**



Mr. Blair LittleJohn, Director Real Estate, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Ms. Williams to approve the purchase of land interests containing 20 acres, more or less, in Lee County, CREW Project, approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition, authorize a Resolution to the Department of Environmental Protection and authorize a Resolution to the Board of Trustees of the Internal Improvement Trust Fund requesting reimbursement for this acquisition and associated costs. Motion approved.**

#### **Close public hearing**

Chairman Collins closed the public hearing.

#### **Advisory Committee Reports**

##### **10. Loxahatchee River Mgmt. Coordination Council**

This item was deferred.

##### **11. Ombudsman's Report**

This item was deferred to later in the meeting

##### **12. Litigation update**

Mr. John Fumero, General Counsel, presented the report. He said the Office of Counsel has received three new lawsuits this month, and presented details of each.

Board Members returned to consideration of the Ombudsman's Report.

##### **11. Ombudsman's Report**

Mr. Richard Williams, District Ombudsman, presented the report. A copy of the report is included in the official record of this meeting.

Mr. Williams requested clarification on staff concerns about open meeting statutes relating to the Task Force on the One Florida Initiative. Chairman Collins said staff's concerns are legitimate and should be addressed.

Mr. Fernandez said a clarification of Florida's Government in the Sunshine Law is needed. He said the law was never intended to stifle free speech.

Mr. Jock Merriam, Deputy Executive Director, Corporate Resources, said staff has attempted to form the task force as a means to implement the One Florida Initiative. He said staff is concerned that the task force meetings may fall under the open meetings requirement.

Mr. Berger said the District and Governor's Office should seek legislative or judicial clarification of the Government in the Sunshine requirements.

Mr. John Fumero, General Counsel, said the sunshine law does not prevent discussion, but specifies that procedural rules must be followed if the group that is meeting is subject to the provisions of the sunshine law. He said Office of Counsel will meet with the Ombudsman and staff to review options.

Board Members directed Mr. Fumero to do so.

##### **12. General Counsel's Report**

This item was deferred until later in the meeting.

##### **13. The Executive Director Report**

Mr. Finch presented the report. A copy of the report is included in the official record of this meeting.

Mr. Finch discussed funding for the Comprehensive Everglades Restoration Plan. He said an internal team has been developing funding options, and an external study team has also been named to address this issue. Mr. Finch said an update on the internal team plan will be brought to the Board soon for direction.

Mr. Finch said there is a commitment to keep the Talisman reservoir acquisition on schedule. He said a presentation will be brought to the board in the future on this issue.

Board Members agreed to return to item 12 at this time.

## **12. General Counsel's Report**

Mr. Fumero presented the report.

He said staff has filed a response to the litigation involving the Cape Sable Seaside Sparrow.

Mr. Fumero said the District has been placed in an untenable position by virtue of this litigation. He said if the lawsuit is successful, the District will be forced to choose between violating the decision of the court or violating the Federal Endangered Species Act. Mr. Fumero said staff is asking the judge in this case to clarify the District's rights and responsibilities on these issues.

Mr. Thornton congratulated Ms. Ruth Clements, Senior Supervising Attorney, Office of Counsel, for her work on the Alligator Lakes drawdown lawsuit.

## **14. Legislative Briefing**

Mr. Michael Slayton, Director, Government Affairs and Communication, presented the update. A copy of the material used in his presentation is included in the official record of this meeting.

## **15. Briefing on SEIS (Supplemental Environmental Impact Statement) for the redevelopment of Homestead Air Force Base, Miami-Dade County.**

Ms. Terrie Bates, Director, Environmental Resource Regulation Department, presented background information on this item. A copy of the material used in her presentation is included in the official record of this meeting. Ms. Bates said no action is needed at this time.

Mr. Roman Gastesi, Director, Miami-Dade Service Center, presented information on the draft Supplemental Environmental Impact Statement. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Don Chinquina, National Audubon Society, expressed support for the mixed use alternative. He said this alternative solves both environmental and economic problems with this issue.

Chairman Collins asked that staff bring back comments it has received on this issue at the February 23 workshop.

## **16. Everglades Construction Project Update**

Mr. Joseph Schweigart, Director, Everglades Construction Project, presented the update. A copy of the material used in his presentation is included in the official record of this meeting.

## **17. ~~Authorize an amendment to a cooperative agreement with the 298 Districts to increase the funding necessary to complete the storm water runoff diversion project in the amount of \$2,237,927, for which funds are budgeted. The amendment also acknowledges that funds are being diverted from future EFA-related 298 District~~**

~~diversion projects to pay for the currently scheduled work, and that they will be subject to future Board action.  
(Contract Number C-E006-A01)~~

This item was deleted.

**18. Authorize an amendment with Burns & McDonnell Engineering Company for STA 3/4 design/construction support services.**

Mr. Randy Bushey, Project Manager Stormwater Treatment Area 3 and 4, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Ms. Williams expressed concern about Minority/Women Business Enterprise participation. Mr. Aaron Weeks, Office of Supplier Diversity and Outreach, explained that the participation is 39 percent of the dollars spent. Ms. Williams asked that this type of information be included in the Board back-up material.

**Motion by Ms. Carter to authorize an amendment with Burns & McDonnell Engineering Company for STA 3/4 design/construction support services to perform survey, geo-technical, and detail design services in the amount of \$1,295,807.62 for which funds are budgeted. This amendment begins the second phase of a three-phased contract. The first phase, for a fixed price of \$2,759,294.36, as well as the total not-to-exceed contract value (including all 3 phases) for \$13,170,000 were approved at the Dec. 1998 Governing Board. (Contract C-E300-A03). Motion approved.**

**19. ~~Local Government/District Operated Facilities during declared emergencies.~~**

This item was deleted.

**20. Water Conditions Report/CSS Sparrow Update**

Mr. Tommy Strowd, Director, Water Control Operations, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Dewey Worth, Lead Environmental Scientist, Watershed Research and Planning, presented information on the Interim Structural Operating Plan. A copy of the material used in his presentation is included in the official record of this meeting.

Chairman Collins noted that this issue will be discussed at a special workshop meeting on February 23. He asked that Mr. Dennis Duke, U.s. Army Corps of Engineers, be asked to attend and comment at that meeting.

Mr. Gene Duncan, representing the Miccosukee Tribe of Indians of Florida, commented on this issue. He urged the District to proceed with construction of the Modified Water Deliveries Project.

**Public comment**

Mr. John Arthur Marshall, Environmental Advisory Committee, presented issues of interest to the committee. He said the committee is working with Office of Counsel on sunshine issues. Mr. Marshall also asked that staff repost the picture of Mr. Arthur R. Marshall on the wall outside Board chambers.

**21. Governing Board Executive Contract Summary**

Mr. Jock Merriam, Deputy Executive Director, Corporate Resources, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**22. Update on Everglades Restoration Diversity Plan**

Mr. Merriam presented information on this item. a copy of the material used in his presentation is included in the official record of this meeting.

Mr. Aaron Weeks, Office of Supplier Diversity and Outreach, presented information on the diversity plan. A copy of the material used in his presentation is included in the official record of this meeting

**23. Authorize entering into a 5 year contract with Jacksonville Tower Associates, LLC, building management by the Parmenter Company, for the Okeechobee Service Center office lease.**

Mr. Morris Sewall, Director, General Services Division, Corporate Resources, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Minton to authorize entering into a 5 year contract with Jacksonville Tower Associates, LLC, building management by the Parmenter Company, for the Okeechobee Service Center office lease in an amount not to exceed \$712,343 of which \$64,458 is budgeted and the remaining subject to Governing Board approval of the FY01-05 budgets (Contract Number C-11505). Motion approved.**

**24. ~~C&SF Restudy Update.~~**

This item was deleted.

- 25. Authorize entering into a cost-sharing Design Agreement for an indefinite term with the U.S. Army Corps of Engineers for design of approximately 60 water resource projects described in the Central and Southern Florida Project Comprehensive Review Study.**

Mr. Tom Teets, Senior Supervising Planner, Water Resources Development, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Ms. Carter to authorize entering into a cost-sharing Design Agreement for an indefinite term with the U.S. Army Corps of Engineers for design of approximately 60 water resource projects described in the Central and Southern Florida Project Comprehensive Review Study in the not-to-exceed amount of \$356,233,014 that includes in-kind services and cash contributions and for which budgetary funding for the current fiscal year 2000 and subsequent fiscal years is subject to Governing Board approval. (Contract No. C-11809).**

Ms. April Gromnicki, National Audubon Society, said her organization supports approval of this item. She said future delays should be avoided.

Mr. Finch noted that approval of this item will be an event of major importance.

**Motion approved.**

**~~26. Update on Lower East Coast Regional Water Supply Plan.~~**

This item was deleted

- 27. Authorize entering into a 120 day contract with Widell, Inc. for S-6, S-7, S-4 and S-140 hardening and renovations.**

Mr. Ralph Hayden, Project Manager, Engineering and Project Management, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Mr. Minton to authorize entering into a 120 day contract with Widell, Inc. for S-6, S-7, S-4 and S-140 hardening and renovations in an amount not to exceed \$938,000 for which funds are budgeted. (Contract Number C-11401). Motion approved.**

- 28. Authorize entering into a 200 day contract with M & J Construction Company for S-193 Lock Refurbishment in the amount of \$854,783 for which funds are budgeted. (Contract Number C-10419)**

Mr. Ralph Hayden, Project Manager, Engineering and Project Management, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Motion by Ms. Williams to authorize entering into a 200 day contract with M & J Construction Company for S-193 Lock Refurbishment in the amount of \$854,783 for which funds are budgeted. (Contract Number C-10419). Motion approved.**

**BOARD COMMENT (Berry Groves Acquisition)**

Chairman Collins said there appears to be an agreement on the acquisition of the Berry Groves property. He said a conceptual letter that has been agreed to by the Florida Department of Environmental Protection and the owners of Berry Groves will be brought to the Board soon for approval. He said no action is needed at this time.

Mr. William Malone, Deputy Executive Director, Water Resources Management, presented information on the proposed agreement.

Mr. Charles Lee, Florida and National Audubon Society, said this is an important event. He said the acquisition, if finally signed off on, will provide storage needs for the entire basin.

**BUSINESS CONSENT AGENDA**

## **Items pulled for Discussion**

Ms. Williams pulled item 41.

Mr. Berger pulled item 44.

## **Motion to Approve Business Consent Agenda**

**Motion by Ms. Carter to approve the Business Consent Agenda, except for items pulled for discussion. Motion approved.**

*A copy of the Business Consent Agenda is included in the official record of this meeting.*

- 41. Authorize renewing the Cooperative Agreement with The Nature Conservancy and Robert L. Bendick, Jr., as Co-Trustees of The Nature Conservancy Charitable Trust, to extend the term for six months. (Contract Number C-7336-A2)**

Mr. Thornton expressed concern about the competitiveness of the contract award.

Mr. Blair Littlejohn said staff is seeking authority to extend the contract for six months, and bring back before the Board prior to the expiration of the extension period.

**Motion by Thornton to authorize renewing the Cooperative Agreement with The Nature Conservancy and Robert L. Bendick, Jr., as Co-Trustees of The Nature Conservancy Charitable Trust, to extend the term for six months. (Contract Number C-7336-A2). Motion approved.**

- 44. Deny with prejudice the Petition filed by Worth Contracting, Inc. regarding the award of Contract No. C-10419, S-193 Lock Refurbishment, Okeechobee County, Florida.**

Mr. Adam G. Adams III, representing Worth Contracting, Inc., said the tabulation of bids was incorrect. He said the Petition was timely filed and should go forward for administrative hearing on the issue of whether Worth contracting should be able to withdraw its bid without penalty.

Mr. Fumero said the main issue is that Worth Contracting believes they have a claim and want a forum to make that claim. He said the proper forum would be the Division of Administrative Hearings. Mr. Fumero said if the Board agrees with staff's recommendation to enter an order denying the petition, Worth can appeal that denial to the District Court of Appeals. He said staff's recourse is to pull the bond on this project.

Mr. Adams said his client contends that there was no point of entry in December 1999, when this issues arose.

**Motion by Mr. Berger to deny with prejudice the Petition filed by Worth Contracting, Inc. regarding the award of Contract No. C-10419, S-193 Lock Refurbishment, Okeechobee County, Florida, and to direct staff to initiate a claim on the contractor's bid bond. Motion approved. Nay - Mr. Fernandez.**

## **Public Comment**

Ms. Rosa Durando, Audubon Society of the Everglades, expressed concern that the Lake Worth Drainage District is sending polluted water into the Loxahatchee National Wildlife Refuge.

## **AFTERNOON REGULATORY CONSENT AGENDA**

### **Additions, Deletions, Substitutions**

Chairman Collins indicated the following changes handed out as additional backup to Item 30 of the Regulatory Consent Agenda:

## **PERMIT APPLICATIONS**

## **Water Use**

Baywinds RPD (page 16, paragraph 1): Postponed to March 9 Board

## **Surface Water Management**

Willoughby Boulevard Connector Road (Page 10, paragraph 1): 3.52 acres of mitigation/ compensation

Florida Sugar (Page 16, paragraph 2): Postponed to March 9 Board

## **Environmental Resource**

Goodlette Lakes Assisted Living Facility (page 2, paragraph 2): Postponed to March 9 Board

Silvercrest Lake Estates First Addition (page 12, paragraph 14): 27.65 total acres wetlands, 27.65 acres wetlands impacted, 41.47 acres of mitigation/ compensation in Pennsuco

Vila and Son Landscaping (page 12, paragraph 6): Postponed to March 9 Board

Cypress Pointe Sales Center (page 14, paragraph 1): Postponed to March 9 Board

Pine Summit (page 18, paragraph 1): Postponed to March 9 Board

## **Environmental Resource Denial**

Miramar Parkway Site (page 19, paragraph 2): Postponed to March 9 Board

## **Consent Agreements**

Groves of Naples, Inc. (page 20, paragraph 1): Postponed to March 9 Board

Michael L. Thomas (page 20, paragraph 4): Postponed to March 9 Board

## **Abstentions**

Mr. Berger abstained on items 29 and 30.

Mr. Minton abstained on item 30.

## **Pull items for Discussion**

Ms. Terrie Bates, Director, Environmental Resource Regulation Department, said a member of the public has requested that item 30, an Environmental Resource General Permit application for Martha's Restaurant (page 19, paragraph 1), be pulled for discussion. Board Members agreed.

## **Motion to approve the Regulatory Consent Agenda**

**Motion by Ms. Carter to approve the Regulatory Consent Agenda as revised, except for items pulled for discussion. Motion approved.**

*The following items were approved as part of Regulatory Consent Agenda.*

29. Consideration of Consent Agenda for Governing Board approval, which includes **Water Resources Operations** items:

Right of Way Occupancy New Permits  
Right of Way Occupancy Permit Modifications

30. Consideration of Consent Agenda for Governing Board approval, which includes **Regulatory** items:

Water Use Permit Applications  
Surface Water Management Permit Applications (includes  
Conservation Easements)  
Environmental Resource Permit Applications (includes  
Conservation Easements)  
Lake Okeechobee SWIM Works of the District Permit Applications  
Denials  
Consent Agreements  
Seminole Tribe Work Plan Amendments

**END OF REGULATORY CONSENT AGENDA**

**AFTERNOON DISCUSSION AGENDA**

**WATER RESOURCES MANAGEMENT**

*Environmental Resource Regulation*

*Environmental Resource Permit*

- 31. Consider a request by Stiles Development Corporation for issuance of an Environmental Resource Permit Modification (Application 990623-15) and authorization to use Sovereign Submerged Lands for Sunrise Harbor, Broward County.**

Mr. Rob Robbins, Director, Natural Resource Management Division, Environmental Resource Regulation Department presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Berger noted that he will abstain on this item, and on item 32.

**ion by Mr. Fernandez to approve a request by Stiles Development Corporation for issuance of an Environmental Resource Permit Modification (Application 990623-15) and authorization to use Sovereign Submerged Lands for Sunrise Harbor, Broward County. Motion approved.**

*Environmental Resource Permit*

- 32. Consider a request by Harbour Lake Estates Community Association, Inc. for issuance of an Environmental Resource Permit Modification (Application 990528-5) for Harbour Lake Estates, Broward County.**

Ms. Terrie Bates, Director, Environmental Resource Regulation Department presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting. Ms. Bates said staff recommends approval.

**Motion by Mr. Gutierrez to approve a request by Harbour Lake Estates Community Association, Inc. for issuance of an Environmental Resource Permit Modification (Application 990528-5) for Harbour Lake Estates, Broward County.**

Mr. Charles Lee, Florida and National Audubon Society, expressed concern about lands being developed in Water Preserve Areas. He said the pattern of loss will not stop here and asked the Board to make a commitment that this will be the last development in the Water Preserve Areas that will be permitted.

**Motion approved.**



Mr. William Malone, Deputy Executive Director, Water Resources Management, said the Board's direction is clear. He said no additional action is needed, and staff's objective is to acquire the rest of what is needed for the WPA's in Broward County.

**30. Environmental Resource General Permit application for Martha's Restaurant (page 19, paragraph 1)**

Mr. Rob Robbins Director, Natural Resource Management Division, Environmental Resource Regulation Department presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

Mr. Robbins said staff recommends denial of this permit application due to failure of the applicant to complete the application. He said there are also several environmental concerns that would likely result in a staff recommendation for denial.

**Motion by Ms. Carter to accept staff's recommendation to deny an Environmental Resource General Permit application for Martha's Restaurant (page 19, paragraph 1).**

Mr. George Zinkler, Martha's Restaurant, said he is trying to address a flooding problem on the property. He requested a 90-day extension of the permit process to address those concerns.

**Motion approved. Nay - Mr. Gutierrez.**

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 4:00 p.m.

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MICHAEL COLLINS, CHAIRMAN

(Corporate Seal)

Attest:

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FRANK FINCH, SECRETARY

/aab

**MINUTES OF A SPECIAL MEETING OF THE  
GOVERNING BOARD OF THE SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT  
HELD AT DISTRICT HEADQUARTERS,  
3301 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA  
FEBRUARY 23, 2000**

The following **Governing Board Members** were present:

**1. Board Review and Approval of the Agenda.**

Board Members reviewed and approved the items listed on this agenda.

**2. Comprehensive Everglades Restoration Plan Restudy Funding**

Mr. Finch presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**Public Comment**

The following members of the public commented on this item:

**3. Interim Structural Operation Plan**

Ms. Patricia Strayer, Director, Watershed Research & Planning, Water Resource Management, presented information on this item. A copy of the material used in her presentation is included in the official record of this meeting.

Mr. Dennis Duke, Deputy Director, Project Management, U.S. Army Corps of Engineers, presented information on USACE issues. A copy of the material used in his presentation is included in the official record of this meeting.

**4. 8.5 Square Mile Area Environmental Impact Statement Performance Measures**

Ms. Sheryl Ulrich, Project Manager, Modified Water Deliveries Project, U.S. Army Corps of Engineers, presented information on this item. A copy of the material used in his presentation is included in the official record of this meeting.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at XXXX.

